Exhibit L

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ANTHONY HERNANDEZ VALADEZ, Plaintiff, vs. JOHNSON & JOHNSON; ALBERTSONS COMPANIES, INC., individually, and as successor-in-interest, parent, alter ego and equitable trustee LUCKY STORES, INC.; LUCKY STORES, INC.; SAFEWAY INC.; SAVE MART SUPERMARKETS, individually, and as successor-in-interest, parent, alter ego and equitable trustee of LUCKY STORES, INC.; TARGET CORPORATION; WALMART INC.; and FIRST DOE through ONE-HUNDREDTH DOE, Defendants.	Case No. 22CV012759 Certified Transcript (Pages 1-114)

REMOTE VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

DR. WILLIAM LONGO

Friday, March 3, 2023

Reported by: John Fahrenwald, CA CSR 14369, RPR

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

ANTHONY HERNANDEZ VALADEZ,) Case No. 22CV012759
)
Plaintiff,)
)
vs.)
)
JOHNSON & JOHNSON; ALBERTSONS)
COMPANIES, INC., individually, and)
as successor-in-interest, parent,)
alter ego and equitable trustee)
LUCKY STORES, INC.; LUCKY STORES,)
INC.; SAFEWAY INC.; SAVE MART)
SUPERMARKETS, individually, and)
as successor-in-interest, parent,)
alter ego and equitable trustee of)
LUCKY STORES, INC.; TARGET)
CORPORATION; WALMART INC.; and)
FIRST DOE through ONE-HUNDREDTH DOE,)
)
Defendants.)
_____)

Remote Videotaped Videoconference Deposition of deponent DR. WILLIAM LONGO, taken on behalf of the defendants, commencing at 10:43 a.m., Eastern Standard Time, Friday, March 3, 2023, before Reporter John Fahrenwald, Certified Shorthand Reporter for the State of California, CSR No. 14369, RPR.

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SUWANEE, GEORGIA
MARCH 3, 2023
10:43 A.M., EST

VIDEOGRAPHER: We are now recording and on the record. My name is Michael Saito. I'm a legal video specialist for iDepo Reporters.

Our business address is 898 North Pacific Coast Highway, Suite 475, El Segundo, California, 90245.

I'm not related to any party in this action, nor am I financially interested in the outcome in any way.

Today is March 3rd, 2023, and the time is 7:43 a.m., Pacific Time.

This is the deposition of Dr. William Longo in the matter of Anthony Hernandez Valadez, plaintiff, versus Johnson & Johnson, et al, defendants, in the Superior Court of the State of California, County of Alameda. And the Case No. is 22CV012759.

This deposition is being taken via videoconference on behalf of the defendant. The court reporter is John Fahrenwald of iDepo Reporters.

Counsel will state their appearances.

MR. DUBIN: Well, my name is Morton Dubin from King & Spalding. I represent the Johnson & Johnson-related defendants in this case.

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number that you're talking about, is that yardstick, a number that is representing ambient or background exposure during the course of the person's life? Is that what it is intending to represent?

A. No. It's intended to represent is, if you're going to make up -- not make up a number -- but if you're going to use an artificial background, this would be one that ATSDR published in, I think, 2000 or 2001, something like that.

Q. Well, we've talked about background before. So I'm going to move on to some more specific stuff.

Now, as I understand it, you switched PLM machines and microscopes and a camera at some point since your older Johnson & Johnson reports?

A. Yes.

Q. Okay. And when did you do that?

A. About two years ago.

Q. Okay.

A. Or so.

Q. Is the analysis that you did of the bottle in this case, the Valadez case, the only bottle that -- sorry -- the only time you've used the new PLM microscope and camera to analyze Johnson & Johnson?

A. I believe so because we really haven't been analyzing Johnson & Johnson for a while. I can't think

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of any Johnson & Johnsons that may have been analyzed with these new scopes.

Q. Okay. And as we -- we'll discuss, you've changed from a 1550 oil to a 1560 oil. Correct?

A. Yes.

Q. And why did you make that change?

A. Well, we had been criticized, I think, by Dr. Sanchez, by Segrave that we should be going through a higher refractive indices fluid to validate what we're doing.

And then Dr. Su's published paper came out in The Microscope and that was a recommendation in that paper that we -- well, he had like a litigation and whatever and said that if you should pick the refractive indices fluids for the alpha and gamma for where you're ending up in; meaning, you know, if your gamma is ending up in the 1.560 to 1.567, which we're seeing a lot of, get a refractive indices fluid that's specifically in that area. So the 1.560 covers that.

Q. And what is the effect on the colors that you are viewing if you change from a 1550 oil to a 1560 oil? And I'm not asking about specific to your analyses here. I'm asking as a general matter, what will you expect to see happen to the colors?

A. It changes the colors. I didn't know what I was expecting to see, but it changed the colors from this

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yellow-gold in the gamma direction, to more of a -- I would call it a reddish-gold, brownish-gold-type color. So it's essentially eliminates the yellow.

Q. Right. Well, we can talk about it. In other words, so it will push the colors that you're seeing -- for example, shift them away from brighter yellows. It will shift it more towards the magentas or the blues as a matter of optical properties. Right?

A. I didn't say that.

Q. Okay.

A. We're already in the blues most of the time on the alpha direction, if you look at most of our stuff. Alpha direction was typically in the blues.

And it shifted it from a dull yellowish-gold color to more of a reddish-gold, but not down to magenta.

Q. Okay. I'm not asking you about what you're finding. We're going to do that.

What I'm asking you about is the effect of changing the oil.

(Simultaneous speaking.)

A. But your question seemed to suggest that it was pushing it down in the magenta and blues and it was already in the blues.

And, no, it's not pushing it all the way down to the magenta. That's 1866b large bundles.

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That's not going to happen with this.

Q. We'll talk. Maybe we can do this while we're looking at something to make it easier. And let me -- I want to look at some slides. We can use them to talk about some of these issues.

But before we get there, I want to ask you a little bit about the Su affidavit. I've know you've been asked about this a bunch. It will be Exhibit 3. Let me pull that up.

(Exhibit No. 3 was marked for identification.)

Q. (BY MR. DUBIN:) As a general matter with a camera, when you take an image of something, an image may or may not match what your eye is seeing. Correct?

A. Correct.

Q. Okay. And with respect to your older work for Johnson & Johnson, is it your view that the images that you have provided and have shown to juries match what the analyst would see under the microscope?

A. You have to define "match." You mean like identical?

Q. Well, as close as possible.

A. The images we take are probably pretty close. Some of them may match, some of them may be slightly off.

Q. Okay.

A. It just depends on -- but usually what people are

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range -- not so much in a range -- to help the colors.

Q. Okay.

A. So I don't know the whole definition of it anymore.

Q. Okay.

A. But it seems to be the new -- I should look it up to get it exactly because it seems to be the new question for depositions.

Q. If images aren't appropriately white balanced, they can either appear too yellow or they can appear too blue. Correct?

A. I don't know. I don't know how correct -- you know, this is an older one than this is a -- you have more yellows in this because you're using a tungsten lightbulb in the microscopes and the new ones are LED, so you don't have any white balance problems.

And this wasn't really ever a problem because the conditions of these for chrysotile and the fibrous talc were the same. So it's not changing anything here when you're comparing the apples to apples versus comparing apples to oranges.

Q. So my understanding now is that you're saying that these images appear more yellow because of tungsten lighting that was used in them in the older microscope?

A. Yeah, it's like a yellow light -- not a yellow

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light, but it has yellow in it. And I think all our photographs, going back to the last, you know, 30 years were using those type of microscopes.

Q. Do you know whether the camera that you were using at that time, whether it had a feature that would allow you to white balance to compensate for that tungsten lighting?

A. Not to the degree it completely removes it. Because when you compare these to the LED photographs, you don't have the yellow like this.

Q. Okay. And when we're looking at this, for example, let's look at the parallel. You have a structure that you've identified here as chrysotile. Right?

A. Correct.

Q. Okay. And then what are these larger, rounder structures?

A. Platy talc.

Q. Okay. And platy talc, because it's not in an elongated form, however you move it, it's going to retain the same refractive index? In other words it will always -- it will stay the same color, by and large?

A. Yes.

Q. And so if we look at the next slide -- so one of the things you can do, will you agree with me, to see whether or not something is appropriately white balanced is to look at something in the image that you know -- where you

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know what color it should be. Right?

A. I guess. I mean, we're typically not taking pictures of owls, so I don't really have an opinion about your -- here one way or the other.

Q. Let me just make sure we get the point. So on the left here, you've got an owl that's slightly blue. Right?

And on the right --

A. Well, slightly blue. You've got like a blue tint to the -- to the -- to the leaves. You got a blue tint to the wood they've got the owl standing on. So you've white balanced it and you've taken this picture. I just don't recall what was done with the older Olympus with that camera on it. It may well have been white balanced. I'd just have to check on that.

Q. Well, the point is, you know, if I wanted to know: Am I looking at a picture of a real blue owl, one thing I could do is I could look and see, oh, wait am I also getting a tint on the leaves which I know should be green. Right?

A. If you're looking at white owl and that's what shows up, I guess you're correct.

Q. So if we go to the next slide -- so these are some PLM images in the same refractive index oil from Mr. Poye and Dr. Sanchez's lab. And you can see that they're a substantially different color than your old image of Johnson & Johnson. Right?

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A. They're substantially different from each other.

Q. The talc is much brighter in both these images. Right?

A. No. I mean, one is kind of grayish, and the other one's got some yellow for the talc and more whitish. So I don't -- you know, it's not the pictures we took, so I really don't have an opinion one way or the other on these.

You can get Dr. Sanchez and Mr. Poye come in and testify about what are the conditions here? Oh, that's right Mr. Poye is not a PLM person. I guess Dr. Sanchez can fill in what you're looking for.

Q. Well, why don't you tell me. If you look at talc -- just talk about talc plates -- under a PLM microscope in your laboratory, what do they look like?

A. I can't compare mine to these. These are not photographs -- I don't think I've seen before, so I really don't have an opinion, one way or the others, on these.

Q. I'm not asking about these images. I'm asking you: When you look at talc under your PLM microscope, what does it look like?

MR. RIVAMONTE: Vague and overbroad.

Q. (BY MR. DUBIN:) To your eye. Forget images now. What does it look like to your eye?

A. Well, here's the SG210 in talc, it looks like this. At times. Other times it can look more -- where you

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sense.

Q. Talc in parallel will be the same color as a talc plait. Correct?

A. That makes no sense.

MR. RIVAMONTE: Overbroad.

THE WITNESS: I don't understand the question.

Q. (BY MR. DUBIN:) You don't understand the question? Well, what would be -- how would you compare the color of talc in parallel -- elongated talc in parallel and the color of talc plates?

A. They're completely different.

Q. They're completely different colors?

A. Again, I point you back to the white areas. Or I point you to a lot of examples where we have, you know, intergrowth between a fibrous elongated talc on one side and chrysotile on the other side. They're completely different. And we don't even look at that. They're not -- these big plates -- those plate aren't fibrous.

You want to take the colors of what we're seeing there and then say, well it's the same color.

Then if you look over in elongation, are you seeing -- I mean in gamma, look how different that color is.

Q. And --

A. We've got the dark blue to extinction. Talc doesn't do that.

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Q. We can talk about perpendicular in a second. In parallel -- you're selling me that in parallel, talc plates and an elongated talc piece will not be the same color?

MR. RIVAMONTE: Misstates testimony.

Q. (BY MR. DUBIN:) Are they the same or not the same?

A. Well, which ones do you want to point to?

Q. I'm looking at one in parallel.

A. I'm looking at a whole range of colors, but I'm not seeing anything that meets the criteria for a fibrous bundle.

Q. I'm not --

A. So it's -- we're arguing -- we're debating over this color when it has no useful ending to it other than a talking point on your hat.

Now I've answered the question. We need to move on.

Q. Can you tell me what the refractive index of a talc plate is?

MR. RIVAMONTE: Vague and overbroad.

THE WITNESS: I would say the majority of them there, you know, are down in the 1. -- 1.5 -- maybe 1.55 -- 1.558 or something like that. I don't know. I'd have to go -- I'd need to be looking in the microscope and look at the chart.

What I do know is platy talc is not fibrous, so

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it's not in the equation. And what I do know, if I look over in the alpha, we don't see any blues. And if I look at what is in perpendicular on that big structure up in the left-hand corner, where I say, this is a -- this is a talc -- talc plates on edge right there or this is fibrous talc, and that's now -- in the left-hand side, that's in the alpha direction, and you can't see such a blue on the end. It's real bright.

And then on the right-hand side, now it's in the parallel direction and you still got the white. That's out of the range of all the refractive indices. I mean, you're looking at greater than 1.590.

And on the other side, you're looking, less than 1.535.

Q. All right. Let's see if we can -- we'll come back to this issue in a second. Let's go to the next. Let's go to Slide 16.

Typical guidance on how this birefringence value should be calculated if we take the highest parallel, meaning the brightest color, and the lowest perpendicular. Correct? That's how birefringence in the published literature is calculated. Correct?

A. No. And no.

Q. Okay.

A. Not calculated at all. If you actually to

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published literature -- and I don't know what published literature you're talking about -- but the ISO method has you look at a -- the Michel-Levy charts.

You're right. You want to go to the lowest matching wavelength and the highest, but you're not calculating anything. You're just making a general guesstimate.

If you go to Deer, Howie and Zussman and you look at all their mineral data, every one of them will have a range and will have a calculated birefringence just like we do it.

If you go to the R93 in Table 2.2 and look at the references for chrysotile and look at the references for fibrous talc, you will see that they calculate the birefringence just week we have been doing.

But to look at the Michel-Levy charts and make a guesstimate on what the birefringence is, is not calculation, and it's not accurate for the way we're doing.

Q. So let me ask you about this testimony then. Go to Slide 18.

This is from the Prudencio trial. I asked you: But I want to make crystal clear there's no question you're using averages instead of high/low. Right? High and low.

ANSWER: "We do use an average, yes, as I've stated."

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of these other ones which are too small to really resolve.

Then and I go to the elongation photograph, I can see that there's a talc plate. I can see that it has fibrous structure. And if I go to cross-polars, I can see the fibrous nature of it.

So it's chrysotile. It's not a talc plate. We're not misidentifying -- we're not misidentifying this as fibrous talc, and we're not misidentifying talc plates for chrysotile.

Q. What in the images in the elongation would be different that we're seeing here versus what you're calling fibrous talc? What are we seeing here that we could not see with what you're calling fibrous talc?

A. Well, again, we're not just -- first, I thought we were comparing them to talc plates.

Q. Okay. I'm just asking --

A. Well, if we go back to the dispersion staining, the -- the refractive indices is 1.564. In the -- in the parallel, it is 1.561 in the perpendicular. The reason it's not fibrous talc because you got a refractive indice of 0.003, where the fibrous talc is going to have a refractive indice that is completely different.

For example, if you go over to the right slightly, there's a white spot there. I don't know what that is. And if I were to go a couple -- maybe 5 millimeters to the right

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and straight up, you see a very yellow-looking structure. And I can see structures in that.

And then if I go to the parallel, I can see this brightish -- bright white and a bright blue. That's fibrous talc.

And tell me, if you can absolutely see the difference there.

Q. Okay. Talc in perpendicular can also be blue. Right?

A. Fibrous talc in the perpendicular can be blue.

But if you compare -- if you go to the perpendicular photograph, which would be the next one where I said, that's talc. And look at it in the perpendicular -- it's not quite on perpendicular -- it's bright -- light, bright blue to white. So that white puts it less than 1.535.

Q. So what is the structure to the right of the one that you've identified, the larger blocky structure with blue on the side? What is that it? Looks like it's mostly in perpendicular.

A. I just have to get oriented here, so give me a second.

MR. RIVAMONTE: Mr. Dubin, I just want to clarify. The image that we're currently looking at now is page 32 of Dr. Longo's report, the parallel dispersion?

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MR. DUBIN: On the right, yeah.

MR. RIVAMONTE: Okay. Yeah.

MR. DUBIN: I'm not sure if it has page numbers or we just counted pages.

MR. RIVAMONTE: I'm just looking at the PDF, whatever the PDF says. It's page 32.

Q. (BY MR. DUBIN:) Sorry, Doctor, I wasn't sure if you were in the middle of --

A. Yeah, I heard it. I'm just looking at it. It's hard to say, what is that? What is that?

I mean I'd have to be looking in the microscope at it to tell you what that is. It's not something we identified. So I don't know what's wrong with it, but I'd have to be looking in the PLM scope to make a guess.

Q. Based on morphology, does that to appear to be a talc plate?

A. Again, I'd have to be looking in the microscope to make any decision on what that might be.

Q. And is that generally true? In order to properly judge what colors were observed on here, you would have to be at the microscope and actually look at the slide?

A. It's not so much the colors. It's the focus. It's -- you know, I would look at elongation, at lower magnification. So got kind of an oddball structure to it to be chrysotile. I don't -- doesn't really have substantially

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parallel sides.

So I can't really tell you anything else than what's in the middle there because we have parallel sides. I see the striations, you know, all the way through it. It has the appropriate refractive indices. So it's --

I would have to do more to that other particle in order to say, that's chrysotile. I don't see the striations through it like I do the other one. It's -- I can't tell you without doing more work.

Q. Do you still have the PLM slides for this analysis?

A. We still do.

Q. Okay. I'm going to request that you preserve those and we're going to request an opportunity to review them, so we can -- we'll follow up about that, but I am requesting that you not dispose of them.

The -- let's go -- so what in this oil, in 1560, what should you be seeing for chrysotile for the kind of chrysotile that you say is in cosmetic talc? What should you be seeing, colors?

A. What you're seeing right there.

Q. Okay.

A. So a range, looks like everything. But we're seeing the same sort of refractive indices. This one is 1.564. I would say 90 of what we find for chrysotile in

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cosmetic talc is in the 1.560 to the 1.569 range.
And if you were to average it out, it's about 1.566 or so. That what's we see, the primary in elongation.
Q. Not generally bright yellow. Right?
A. Not at 1.560.
And it wouldn't call it bright. I would just call it a yellowish-gold.
Q. Okay. And with respect to what all these blue things are, the percentage of chrysotile that you say you identified in these products is down around .003 to .006 percent. Right?
A. Well, what we saw here was 0.002 to 0.004. When it was weight corrected, I think it was like .000 -- let me just look at the report. I don't want to put something on the record that's not . . . Okay. 0.0003 to 0.0006 percent.
Q. At those percentages, is it fair to say that in this field, most of the material is not going to be chrysotile?
A. I think we have found something to agree on, Mr. Dubin.
Q. Okay. So talk to me for a second about your Calidria reference SU210 in 1560. But first, let me just ask you: Was --
Well, actually, I'll get to that later. Let's

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just do this first.
So I've got an image here. If we go to the next from what I've received in morning. And -- so we understand again, this is what you're using as your reference from Calidria chrysotile in 1560 oil, the same oil that you're using for the Valadez bottles. Right?
A. Oh, you're pulling it up. Okay. I couldn't figure out -- where did that come from?
Q. Yeah, page 21.
A. Yes, that's what we're using.
Q. And so this is structure, in this Calidria reference, that you've identified as being chrysotile. Correct?
A. Yes, sir. It is chrysotile.
Q. Okay. So, as we point out, there's also talc in this reference sample. Right?
A. Yes.
Q. Okay. Is that bright yellow?
A. No. I would say that's sort of a goldish-brown -- a goldish area. It's not bright yellow at all.
Q. Okay. Is this the color that you are -- is this color in your view in parallel inconsistent with talc?
A. Oh, totally.
Q. Is it the same color that you're seeing on the talc plates?

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A. Oh, the talc plates?
Q. Yeah. Are you seeing that same yellow on the talc plates?
A. I don't think that's the same color.
Q. You don't think that that yellow is the same color that you're seeing in the talc plates near it?
A. I'm sorry. Could you repeat that?
Q. You don't think that yellow is the same color as the talc plates that you're seeing in this image?
A. No. I don't.
Q. In fact, it's brighter looking than some of the talc plates?
A. I would say it's a different shade.
Q. Okay. Well, let's see what shade you did call it. So you give a value of 1570. Right?
A. That's right.
Q. Okay. And we can go forward one slide, and we'll come back.
So the way we do this -- I mean, your lab is at what temperature? About 22, you said?
A. 21 degrees centigrade.
Q. 21. Okay. So we would look 1570, 21 degrees, 1560 oil, and it gives us a value of 500. Right?
A. Yes. That's -- I guess, that's the old Su tables, but 1.570 ought to be about 500.

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Q. Okay. Now let's go back one slide, back to 26. And so 500, the color that we should be observing is the one underneath the 500. Right?
A. It should be close to that.
Q. Are you honestly telling me that when you look at this image, that structure is that magenta color underneath 500?
A. Well, no.
MR. RIVAMONTE: Argumentative.
THE WITNESS: I'm not saying that. That magenta color under 500 -- ours is more in the 1.572 -- you know, if these are -- if he's correct. I got to go back to his tables, and we're using the tables he has in his publication. And I'd be looking at -- let me take look at that.
Oh, I'm looking at the chrysotile. No wonder. Need to be looking at the talc that we analyzed. Where is that? You're looking at the standard. No wonder. There it is.
No, we have sort of that at the 500 mark. Again, I'd have to be under the microscope to look at it, but the outer edge, I think that was averaged. But I think that's what you're using is from one of his older Su tables maybe. But I don't have a problem with -- the whole thing is not looking this magenta -- redder-ish [sic] purple.

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But on the outer edge, on the top of the structure it has where the Becke line is. So I'm not concerned with that.

Q. Can you see anything -- again, see this little particle, this yellow particle, the talc plate in between these blue structures to the right of what you've mark off? See those talc plates?

A. I do.

Q. Is there some difference that you're -- you're seeing there that causes you to call this magenta and --

A. No, I'm not saying the whole thing is magenta. What we're doing now is we're averaging them. It's hard to see where you haven't blown it up.

But on the top edge, we have a little bit different color there. So I'd have to go and look at -- and see if this was averaged out on it. Because at least on my photograph, I can see on that top edge where the Becke line is.

Q. Okay. Let's go forward to more slides.

To that one, yeah.

So again, what we've -- we've already talking about this. Let's go one more. Okay.

What color are you seeing here in this structure that you've identified as chrysotile?

A. Is this the new one?

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Q. Yep. That's the same structure we were looking at before.

A. I'm going to --

Q. Sure.

A. -- look at my photograph.

Q. Look at your photograph.

A. It looks like almost a purple around the Becke lines.

Q. Okay. So first, let me make sure I'm understanding. The structures above it, so, say, for example, to the left of the top of the arrows, that's a talc plate. Right?

A. Yep.

Q. Okay. And so you're telling me that the structure that we're looking at here, you would characterize that as purple, the one that you're calling chrysotile?

A. I'm not talking about the structure. I'm talking about the very outside of the bundle where you're supposed to be determining you're refractive indices.

I'm not talking about the whole structure. I'm talking about where you make the call on this as -- as discussed in Dr. Su's published paper.

Q. Okay. Just so we're clear here, the 1564 is the refractive indices that you give for this. And so 1564, that's structure should be purple. Right?

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A. Purple, purplish-red.

Q. Okay?

A. That's what I'm seeing on the outer edge, not the whole structure.

Q. Okay. So is it -- you're understanding then that this chrysotile, it's going to be all yellow -- and it's going to be yellow and then some faint line of purple on the outside or something like that? That's what you're seeing here?

A. What are you -- I'm not sure what you're talking about. I see no yellow on that chrysotile structure. What I'm looking at is the outer edge of the bundle.

Q. Uh-huh. Okay. So let's keep going. But you're treating this -- for purposes of your birefringence calculation, you're treating this -- the number that goes into your calculation is associated with purple?

A. Now, that's what it looks like to me, sitting here. Again, you know, I'd have to be sitting at the PLM scope, but I can see a reddish-purple around the edge, what I'm looking at right now.

Q. You can't see -- because, again -- because of the illumination, you can't see that also -- a little bit of an edge around the talc plate up there?

A. What I see around that talc plate is reds and yellows.

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Q. Okay. So you would characterize the talc plate as red and yellow, red on the outside?

A. Looking at the bottom of it, it's sort of a darker red. And then you also see areas that are yellow, and then you have some areas on the very backside.

Q. So talc -- sorry.

A. I don't see any structures inside that talc plate.

Q. But you're saying --

(Simultaneous speaking.)

A. -- different color, a different -- different colors than what we're looking at, at the chrysotile bundle.

Q. But you're saying a talc plate can also have that sort of reddish outside in those images. Right?

A. Well, what I'm saying is, it's different than what you're pointing to.

Q. But it can have like what you're seeing as a reddish outline in these images, the talc plate?

A. Well, what is see is yellow, a little bit of red area, I see a little bit of blue area, and then I see in the very front -- well, that's in the parallel -- perpin- --

Then I see a little bit of red, but I don't see the shade of the reddish-purple that I see around the chrysotile one. Again, I'm not looking through the microscope, but trying to answer your question.

Q. Yeah. So let's go ahead a little bit. We can

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skip to the -- let's to 30 for a second.
The next one.
So the number you're assigning to that structure that we looked at before in parallel is actually even more dark purple than the ISO reference chrysotiles. Right?
A. Well, you've got all kinds of colors there. You've got bright yellow, you've got some blues in there, you've got some magenta. And of course, we're in 1.550, here. I don't believe this is 1.560, so you can't compare the two.
Q. I know, but just in terms of the visual color where it goes on the wavelength. On the wavelength, you're saying that that structure in Johnson & Johnson is are more purple than this?
A. That's not purple.
Q. Okay. Well, you're saying it's farther towards the purple range than this. Correct?
A. Well, you can't compare the colors. This is in 1.550. We're looking at 1.560.
Q. What I'm asking you is: The colors are associated with wavelengths. Right? In both circumstances. Right?
A. They're associated with wavelengths, but the 1.560 changes that wavelength even though you will get the same refractive indices because you have to look at a 1.560. I'm not -- you can't -- you can't look at this in 1.560 and then

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try to compare -- 1.550 and try to compare to 1.560.
Q. I'm just talking about the color, the color itself. Right? The color of this is -- you're saying visually whatever oil it's in, that the structure we just looked at from the Johnson & Johnson is further towards purple than this. Right?
MR. RIVAMONTE: Asked and answered.
THE WITNESS: You can't compare the two.
And, yes, it's a darker reddish-purple than, you know, this magenta color eliminating the bright yellow colors and ignoring the size of structure under that, that is probably closer -- is more closer to the size ranges we're seeing.
So, yeah. You just can't compare the two. I told you my opinion about it and what was around the edge, and I'm not looking in a microscope. I can't answer it anymore and help you out here.
Q. Just so we're clear what I'm asking about, I'm comparing the color of this to -- go back a couple of slides, please -- and this. These are the two ones I was asking you about. Right?
A. That's so misleading, Mr. Dubin.
Q. Well --
A. You're talking about the whole structure. I'm talking about right around the Becke line of a structure

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that is maybe 1 thousandths of a size of what we're looking at over there and looking at it in a completely different refractive indice [sic] fluid. So, yeah. You can do what you want here, but I'm not agreeing -- I'm not saying you can compare the two at all. It's not the structure that we're dealing with here.
Q. Okay. Let's go to Slide 33. And so here you're reporting this and including it in your calculations as 1568. Right? So magenta. Right?
A. We're saying the 1.568 due to what's around the outer edge of that bundle.
Q. For purposes of your calculation that you're using this to determine this being chrysotile, you're treating this as magenta. Right?
A. I'm treating it somewhere -- you can't really do it like that. I'm treating it somewhere in there, and I need to check out --
I need to check the table you're using.
But I can see here, looking at it on the outer edge, it's pretty -- pretty close between the two. They're 1.572 to 1.573 to the 1.569 to the 1. -- the 1.567 to 1.568 verses the 1.69. [sic]
You're only -- you got a few-thousandths of a refractive indice here. You know, looking at a very small structure and I'm just on the outer edge.

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So you are trying to compare to the 1866b standard in huge bundle. You just can't do that.
Q. I thought you told me before you saw a little red sometimes on the outside of talc plate. So how is that any different than what you're seeing here?
A. It's completely different. I didn't say it was the same thing. And I don't see any talc plates in this one that even comes close.
Q. Why are the talc plates so dark here? Why can't I see the other talc structures, as well as this one?
A. It's a different area of the sample.
Q. What causes things to be obscured like that?
MR. RIVAMONTE: Misstates testimony. Vague and overbroad.
THE WITNESS: You're just seeing a more -- you're seeing more of a concentrated area on the sample. If I look at individual structures of talc plates versus -- it's less concentrated of talc particles.
Q. (BY MR. DUBIN:) I don't understand. How is -- but then why can't I see the talc particles that are on here clearly. Why can't I see --
For example, why are the ones, down and to the left, so dark?
A. If I look through -- if I look through the one that you say is so much better and I look through this one,

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will move into the structure, or it will move out of the structure.
Or it will stay at a particular -- and you will know if you got the right refractive indice fluid for a matching. So you have to -- it's a way to look at unknowns.
You know, you put 1.550, zero in and it moves away, I believe that is -- means -- and I always forget -- it's either too high or too low to -- and what you're looking for is a fluid that you don't get movement.
Q. Okay. And just for --
A. So it matches what the wavelength -- what the matching wavelength.
Q. Just for reference, we're looking at M71614-001CSM-002.
So are there any images in here where we can determine the colors that we're seeing in the Becke line and translate those into wavelengths of light? Or do we not have images to be able to do that?
A. You know, maybe. You don't really have the image there. But the one that's parallel -- I don't know if you could really do that or not. We don't do Becke line work here, so it's not something I do all the time or would do.
I wouldn't use Becke lines to identify a particulate that's unknown. I would start off with SEM or something.

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Q. Okay. So you wouldn't be able to tell me, for example, if this were a Becke line, what wavelength of light that -- what color -- what wavelength of light that's associated with?
A. No. In order for me to do that, I would have to be sitting at the microscope, in focus, out of focus, and look at that.
So, no, that's not something I can just do from looking at this picture. At least I can't.
Q. So then for purposes of understanding your testimony when you were talking about Becke lines before, you just mean the edge of the image and the dispersion standing?
A. Correct. I should have been more careful about how I was phrasing.
Q. Okay. And in -- when we were talking earlier about the tungsten lighting that was on the old microscope, is it fair to say that in all of the old depositions where we've talked about your chrysotile findings in Johnson & Johnson, when you were speaking about the images depicting gold colors or orange colors, that was with a microscope that was using tungsten lighting that was adding yellow to the image?
A. Yeah, could be.
But the interesting thing is the refractive

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indices we were finding during that time period are just about dead-on to the same ones we're finding now with 1.550 with the new microscopes and also the 1.560.
So it wasn't adding it to the point that caused any misidentification. In also the fibrous talc because clearly the birefringence refractive indices were spread much further apart. So it didn't affect any of the analysis.
But it that yellowish color that I've been told comes from the tungsten filament, and which you don't have with the LEDs.
Q. Well, again, a lot of other things go into the refractive index -- a lot of other things go into that birefringence calculation and the refractive index, in other words, what color you're calling and the like. Right?
Forget it. I think we both know. Let's move on.
So let me back up for a second.
What, if anything, do you know about the bottle -- the source of the bottle that you tested in -- for the Valadez case?
It's not a bottle that he's actually used.
Is that fair to say?
A. No. It's not at all. I'm just getting to the chain of custody so I can tell you exactly.
There's a correspondence that came along with the

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bottle.
Q. Okay.
A. It's in Section II -- in Section II, that -- from Joseph Satterley. And he said he purchased this Johnson baby powder bottle on September 20th, 2022 near Mr. Valadez's home in Merced. Am I saying that correctly? California.
And then I have a receipt from the Marriott Courtyard from their market sundries department, I guess.
And it was $3.19.
So that's what I know about it. It was an off-- I guess because of the packaging, it must have been a -- must have been a typical Marriott or one of these -- where you pull it off.
And I also know that the sample was sealed; meaning, when you take the top off there was a Johnson & Johnson seal over where the holes are.
MR. DUBIN: Mike, can we pull up the two images, the photographs of the bottles that the plaintiff's mother provided? We'll mark those as the next two exhibits in order.
So this will be Exhibit 9, and the other one will be Exhibit 10. Can we just pull the other one also, so we can look at them in quick succession. Let's mark the other one, Mike?